

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JERRY L. HANSEN, and STEVEN
M. JACOB,

Plaintiffs,

V.

SAM SHAW, et al.,

Defendants.

4:07CV3086

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff Jerry L. Hansen’s (“Hansen”) Motions to Compel (filing nos. [56](#) and [64](#)), Motion to Extend (filing no. [63](#)), Motion for Subpoena (filing no. [65](#)) and Motion for Production of Documents (filing no. [66](#)).

In his Motions to Compel, Hansen seeks responses to a “Corrected Request for Production of Documents,” served on Defendant Dennis Bakewell. (Filing No. [64](#).) In particular, Hansen seeks certain documents for the period November 1, 2006 and February 28, 2007. (*Id.*) Defendants previously produced the requested documents for the period November 1, 2007 through December 31, 2007. (Filing No. [59](#).) Defendants have not responded or otherwise objected to the Motions to Compel or to producing the requested documents. (*See* Docket Sheet.) Defendants shall therefore produce the requested documents to Plaintiff by November 28, 2008.

Hansen’s Motion for Subpoena and Motion for Production of Documents seek the production of documents from Esther Casmer, Chairperson of the Nebraska Board of Parole. (Filing Nos. [65](#) and [66](#).) On September 29, 2008, Defendants filed a Certificate indicating that these documents have been produced. (Filing No. [68](#).) These Motions are therefore denied as moot.

Also pending is Hansen's Fourth Motion for Extension of Time to respond to Defendants' Motion for Summary Judgment. (Filing No. [63](#).) The Motion for Summary Judgment has been pending since June 3, 2008. (*Id.*) The court will permit one final extension of time, until December 19, 2008, for Plaintiff to respond to the Motion. However, no further extensions of time will be granted. As a result of the extension, the Final Pretrial Conference in this matter will also be rescheduled.

IT IS THEREFORE ORDERED that:

1. Plaintiff Jerry L. Hansen's Motions to Compel (filing nos. [56](#) and [64](#)) are granted in part. Defendants shall produce the requested documents by November 28, 2008.
2. Plaintiff Jerry L. Hansen's Motion for Subpoena (filing no. [65](#)) and Motion for Production of Documents (filing no. [66](#)) are denied as moot.
3. Plaintiff Jerry L. Hansen's Fourth Motion for Extension of Time (filing no. [63](#)) is granted. Plaintiff shall have until December 19, 2008 in which to file a response to Defendants' Motion for Summary Judgment. **No further extensions of time will be permitted.**
4. Final Pretrial Conference:
 - a. Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference, pursuant to the format and requirements set out in [NECivR 16.2\(a\)\(2\)](#). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **February 17, 2009**. The plaintiff shall provide additions and/or proposed deletions to

Defense counsel by **March 3, 2009**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **March 17, 2009**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.

- b. The Final Pretrial Conference will be held before Magistrate Judge David L. Piester on **April 2, 2009, at 9:00 a.m.** Prior to the pretrial conference, all items as directed in [NECivR 16.2](#) and full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.
- c. If a plaintiff is held in an institution, the pretrial conference will be by telephone. In that case, Defense counsel shall contact the plaintiff's institution in advance and arrange to initiate and place the conference call.

5. The trial date will be set by Magistrate Judge Piester at the time of the Final Pretrial Conference.

6. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Pretrial conference before Magistrate Judge Piester to be held on April 2, 2009.

October 29, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge